# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

In re:	Ralph Stanley Mileouski	)	Case No:	09-35554
		)	Chapter 13	

### **OBJECTION TO CONFIRMATION**

**COMES NOW,** Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on <u>January 25, 2011</u>, for the cause as follows:

- 1. The Debtors filed this Chapter 13 Petition on <u>August 28, 2009</u> under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
- 2. This Objection is filed pursuant to 11 U.S.C. 1325.
- 3. The above filed Chapter 13 Plan fails to pay all the disposable income into the Chapter 13 plan shown by:
  - a. This proposed plan, having previously been confirmed attempts to lower the funding for the above median debtor with excess income on Form 22C. The Trustee request documentation to demonstrate a substantial unanticipated change in income to merit a reduction of distribution to unsecured claimholders. The Trustee would further request current pay stubs (3 months before the date of the filing of this objection) and a full copy of the 2009 tax returns. The Chapter 13 Trustee would suggest that the debtor pay all disposable income into the Chapter 13 Plan.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: February 25, 2011 /s/Susan H. Call

Susan H. Call, Counsel for

Carl M. Bates

Chapter 13 Trustee

# **Certificate of Service**

I hereby certify that on <u>February 25, 2011</u>, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), <u>Ralph Stanley Mileouski</u>, 9900 Wenatchee Court, Richmond, VA 23236 and electronically sent to debtor's attorney, <u>Joseph S. Massie</u>, <u>III, Esquire</u>, <u>jmassie@massielawfirm.com</u>.

/s/Susan H. Call Susan H. Call, Counsel for Carl M. Bates Chapter 13 Trustee

# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

In re:	Ralph Stanley Mileouski	)	Case No:	09-35554
		)	Chapter 13	

Debtor Address 9900 Wenatchee Court

Richmond, VA 23236

Last four digits of Social Security No(s).:  $\underline{4063}$ 

### **NOTICE OF OBJECTION TO CONFIRMATION**

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before seven (7) days before the date of the hearing, you or your attorney must:

X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court United States Bankruptcy Court 701 East Broad Street, Suite 4000 Richmond, VA 23219

You must also mail a copy to:

Susan H. Call, Counsel for Carl M. Bates Chapter 13 Trustee P.O. Box 1819 Richmond, VA 23218

no timely r	Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. If response has been filed opposing the relief requested, the court may grant the relief without nearing.	
X	Attend the hearing on the objection scheduled to be held on March 9, 2011 at 11:00 am at	
<b>United Stat</b>	es Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219, Room 5100.	

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: February 25, 2011 /s/Susan H. Call

Susan H. Call, Counsel for Carl M. Bates Chapter 13 Trustee P.O. Box 1819 Richmond, VA 23218-1819

VSBN 34367

### Certificate of Service

I hereby certify that on <u>February 25, 2011</u>, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s), <u>Ralph Stanley Mileouski</u>, <u>9900 Wenatchee Court</u>, <u>Richmond</u>, <u>VA 23236</u> and electronically sent to debtor's attorney, <u>Joseph S. Massie</u>, <u>III</u>, <u>Esquire</u>, <u>jmassie@massielawfirm.com</u>.

/s/Susan H. Call Susan H. Call, Counsel for Carl M. Bates Chapter 13 Trustee